

1 DENNIS J. HERRERA, State Bar #139669
2 City Attorney
3 ELIZABETH SALVESON, State Bar #83788
4 Chief Labor Attorney
5 RUTH M. BOND, State Bar #214582
6 Deputy City Attorney
7 Fox Plaza
8 1390 Market Street, Fifth Floor
9 San Francisco, California 94102-5408
10 Telephone: (415) 554-3976
11 Facsimile: (415) 554-4248
12 E-Mail: ruth.bond@sfgov.org

13 Attorneys for Defendant
14 CITY AND COUNTY OF SAN FRANCISCO, ET AL.

15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 SHERRY LYNN MEANS,
19 Plaintiff,
20 vs.
21 CITY AND COUNTY OF SAN
22 FRANCISCO, DEPARTMENT OF PUBLIC
23 HEALTH; and DOES 1 through 25,
24 Defendants.

25 Case No. CV 09-0941TEH

26 **DEFENDANT'S EX PARTE APPLICATION TO
27 CONTINUE PRETRIAL DEADLINES DUE TO
WITHDRAWAL OF PLAINTIFF'S COUNSEL
AND [PROPOSED] ORDER**

28 Trial Date: November 2, 1010

29
30 Defendant City and County of San Francisco hereby submits this ex parte application to
31 continue pretrial deadlines because Plaintiff's attorney Curtis G. Oler has informed defense counsel
32 that he intends to file a motion to withdraw as Plaintiff's counsel in this matter. At Mr. Oler's request,
33 defense counsel has agreed to stipulate to Mr. Oler's application for an order shortening time to hear
34 his Motion to Withdraw. Mr. Oler informed defense counsel that he plans to file such a request by
35 Friday, October 8, 2010.

36 Trial in this matter is set for November 2, 2010. The Pretrial Conference is scheduled for
37 October 18. While Defendant is prepared to proceed to trial as scheduled, the Court's Order for

1 Pretrial Preparation requires the parties to meet and confer and reach agreement regarding several
2 matters and to file a Joint Pretrial Conference Statement and proposed jury instructions by tomorrow
3 (Friday) October 8, 2010. The Court's Order also requires counsel to meet and confer regarding
4 Motions in Limine and to file any such motions by October 12, 2010 (21 calendar days before the
5 scheduled trial date).

6 This past Wednesday, October 6, the parties participated in a settlement conference with
7 Magistrate Judge James Larson. At that conference, Judge Larson informed defense counsel that a
8 dispute had arisen between Plaintiff and Mr. Oler and that Mr. Oler planned to withdraw as Plaintiff's
9 counsel. On Thursday, October 7, Mr. Oler confirmed his intention to withdraw during a telephone
10 conversation with defense counsel Ruth M. Bond. Because Plaintiff's counsel is in the process of
11 withdrawing his representation, the parties are unable to comply with the Court's Order for Pretrial
12 Preparation.

13 Defendant respectfully requests that the pretrial deadlines be continued to dates after the Court
14 has considered Plaintiff counsel's Motion to Withdraw.

15 Dated: October 7, 2009

Respectfully submitted,

16 DENNIS J. HERRERA
17 City Attorney
18 ELIZABETH SALVESON
19 Chief Labor Attorney
RUTH M. BOND
Deputy City Attorney

20 By _____ /s/
21 RUTH M. BOND

22 Attorneys for Defendants
23 CITY AND COUNTY OF SAN FRANCISCO,
ET AL.

1 The Court has considered Defendant's *Ex Parte* Application to Continue Pretrial Deadlines and
2 good cause having been shown, it is **SO ORDERED** that the new pretrial deadlines are ~~as follows:~~
3 **VACATED** until further order of the Court.

4 ~~Joint Pretrial Conference Statement:~~ ~~October ____, 2010~~

5 ~~Motions In Limine:~~ ~~October ____, 2010~~

6 ~~Pretrial Conference:~~ ~~October ____, 2010~~

Dated: October 8, 2010

